

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
April 19, 2011

Lake Forest City Hall
25550 Commercentre Drive
Council Chambers
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER: 5:40 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Scott Voigts
	Mayor Pro Tem:	Mark Tettemer
	Mayor:	Peter Herzog
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 5

City of Lake Forest v. Moen, et al. (Consolidated Case No. 30-2009-00298887)

City of Lake Forest v. Pharmer's Choice Collective, et al. (Case No. 30-2010-00435043)

City of Lake Forest v. Patient Farmers Cooperative (OCSC Case No. 30-2011-00455352)

City of Lake Forest v. World Cann Wellness Center (OCSC Case No. 30-2011-00455359)

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:43 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:01 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag of our Country was led by Mayor Herzog.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

2. **ORANGE COUNTY TRANSPORTATION AUTHORITY PRESENTATION ON MEASURE M (M1) AND RENEWED MEASURE M (M2) submitted by City Clerk. (F: 71.12D2)**

ACTION: The City Council received a presentation from Will Kempton, Chief Executive Officer of the Orange County Transportation Authority, on the accomplishments of Measure M and proposed improvements authorized under Renewed Measure M.

3. **INTRODUCTION OF NEW CHIEF OF POLICE SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 48.8G)**

ACTION: The City Council received the introduction to Lieutenant Patrick Higa as Chief of Lake Forest Police Services.

RECESS: City Council recessed at 7:14 p.m. for the purpose of conducting Redevelopment Agency and Lake Forest Housing Authority business.

RECONVENE: City Council reconvened at 7:19 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: John MacLean, Harris Khan, Tamara Palos, Bart Van Ardenne, and Vincent Burke.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 4)

4. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Rudolph, the City Council approved the warrant register in the amount of \$1,130,546.59 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 12)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved Consent Calendar Item Nos. *5-9 and *11-12 as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining on item No. 7.

- *5. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- *6. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MARCH 1, 2011 (AMENDED), AND MARCH 15, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *7. ADOPTION OF ORDINANCE NO. 228 submitted by City Clerk. (F: 50.11B3)

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 228 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AN

AGREEMENT FOR IMPLEMENTATION AND MODIFICATION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND IRVINE RANCH WATER DISTRICT. 2. Adopted Ordinance No. 228. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining.

- *8. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by Deputy City Manager/Director of Management Services. (F: 11.2)

ACTION: The City Council received and filed the report as submitted.

- *9. AWARD OF CONTRACT FOR FINANCIAL AND SPECIAL AUDIT SERVICES submitted by Director of Finance/City Treasurer. (F: 30.2A)

ACTION: The City Council: 1. Approved the selection of Diehl Evans & Company to provide Financial and Special Audit Services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement with Diehl Evans & Company.

- *11. REQUEST FOR PROPOSAL FOR PROFESSIONAL PRINTING SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 54.2A)

ACTION: The City Council: 1. Approved the Request for Proposal for Professional Printing Services. 2. Authorized staff to solicit proposals for Professional Printing Services.

- *12. CONTRACT AWARD FOR STREET RESURFACING PROJECT ON VARIOUS STREETS PW 2009.08C submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2009.08C)

ACTION: The City Council: 1. Awarded a construction contract in the amount of \$1,432,432 to All American Asphalt, Inc., of Corona, California, for construction of the Street Resurfacing Project on Various Streets PW 2009.08C. 2. Upon receipt of the executed contract documents from All American Asphalt, rejected all other bids received and authorized return of the bid bonds. 3. Authorized the Mayor to sign, and the City Clerk to attest the contract with All American Asphalt, substantially in the form attached. 4. Authorized the City Manager to approve contract change orders up to a maximum of 10% of the contract amount.

PULLED CONSENT CALENDAR ITEM:

10. DESIGNATION OF COUNTY ROUTE S18 AS THE ORANGE COUNTY DEPUTY SHERIFF'S MEMORIAL HIGHWAY submitted by Chief of Police Services. (F: 64.1)

A member of the public pulled this item for separate consideration.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council adopted Resolution No. 2011-10 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, OFFICIALLY RECOGNIZING THE DESIGNATION OF COUNTY ROUTE S18 AS THE ORANGE COUNTY DEPUTY SHERIFF'S MEMORIAL HIGHWAY. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

13. ENVIRONMENTAL IMPACT REPORT FOR PROPOSED SPORTS PARK AND RECREATION CENTER PROJECT submitted by Director of Development Services. (F: 50.11E)

Staff report dated April 19, 2011 was introduced.

The following members of the public offered comments: Jim Rosenberg, Jeff Evans, Garrett King, Frank Vahid, Doug Cirbo, and Eric Simko.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Tettemer, the City Council: Adopted Resolution No. 2011-11 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2009061020), ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING THE SPORTS PARK AND RECREATION CENTER PROJECT. MOTION UNANIMOUSLY CARRIED.

14. AN AMENDMENT TO THE GENERAL PLAN LAND USE DESIGNATION FOR A PORTION OF THE CITY'S PROPOSED SPORTS PARK submitted by Director of Development Services. (F: 50.11E) (31.3)

Staff report dated April 19, 2011 was introduced.

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Voigts, the City Council introduced for first reading Ordinance No. 229 entitled: AN ORDINANCE OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA 2-11-1729) TO AMEND THE GENERAL PLAN LANE USE ELEMENT TO DESIGNATE A PORTION OF THE PROPOSED SPORTS PARK FROM "REGIONAL PARK/OPEN SPACE" TO "COMMUNITY PARK/OPEN SPACE." MOTION UNANIMOUSLY CARRIED.

15. ZONE CHANGE 8-10-1374, TO ALLOW AN INCREASED HEIGHT LIMIT FOR THE IRVINE RANCH WATER DISTRICT PROPERTY (ASSESSOR'S PARCEL NUMBERS 104-132-36 AND 65) submitted by Director of Development Services. (F: 50.11)

Mayor Pro Tem Tettemer recused himself and left the dais at 8:20 p.m.

Staff report dated April 19, 2011 was introduced.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council introduced for first reading Ordinance No. 230 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 8-10-1374 TO ALLOW A 5-FOOT INCREASE TO THE RESIDENTIAL HEIGHT LIMIT FROM 35-FEET TO 40-FEET ON THE IRVINE RANCH WATER DISTRICT / SERRANO SUMMIT PROPERTY (ASSESSOR'S PARCEL NUMBERS 104-132-36 and 65). MOTION CARRIED with Mayor Pro Tem Tettemer abstaining.

Mayor Pro Tem Tettemer returned to the dais at 8:32 p.m.

DISCUSSION/ACTION ITEMS:

16. CONSTRUCTION CONTRACT FOR TRABUCO ROAD STREETSCAPE PROJECT (PW 2005.06) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.06)

Council Member Rudolph left the dais at 8:35 p.m.

Staff report dated April 19, 2011 was introduced.

The following members of the public offered comments: Stuart Groman, Jim Reichert, and David Bass.

Council Member Rudolph returned to the dais at 8:40 p.m.

ACTION: On motion by Council Member Rudolph and second by Mayor Herzog, the City Council: 1. Waived the minor bid irregularities submitted by Environmental Construction, Inc., and awarded a contract in the amount of \$3,258,688.80 for Trabuco Road Streetscape Project (PW 2005.06). 2. Approved Resolution No. 2011-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENTS BUDGET FOR 2009-11. 3. Upon receipt of the executed contract documents from Environmental Construction, Inc., rejected all other bids received and authorized return of the Bid Bonds. 4. Authorized the Mayor to sign, and City Clerk to attest, the contract with Environmental Construction, Inc., substantially in the form attached. **MOTION UNANIMOUSLY CARRIED.**

17. **LEGISLATIVE AND REGULATORY MATTERS** submitted by the Assistant to City Manager. (F: 72.2B)

ACTION: On motion by Mayor Herzog and second by Council Member Rudolph, the City Council received and filed the report as submitted. **MOTION UNANIMOUSLY CARRIED.**

18. **REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY** submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Tetteimer offered comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:17 p.m.